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EXAMINER	
CATTUNGAL, AJAY P	

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4173	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/585,093	SIMONSSON ET AL.	
	Examiner	Art Unit	
	AJAY P. CATTUNGAL	4173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/30/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 22-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

> Regarding claim 22 and 24, limitation of "a device in accordance to claim 1" is confusing. This claim is a Device claim and claim 1 is a method claim, clarify.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim18 teach of a computer program that is nonstatutory and is not bound to a physical entity.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6, 14, 17-22, 26, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ilas et al. (US 7,248,571).

Re claim 1, Ilas et al. discloses a method for transmitting (transmitting) data packets (speech data) over a communications network (wireless network), utilizing transmittal protocol packets comprising a header(RLC/MAC block), which in turn comprises an address field(RLC/MAC block), and a data field (RLC/MAC block), characterized in collecting and inserting several data packets from several users active on the communications network (at least two users) into the data field (RLC/MAC block) of a transmittal protocol packet, and transmitting the transmittal (transmitting) protocol packet, wherein each inserted data packet is associated an individual address (Col 2 lines 21-35).

Re claim 2, Ilas et al. discloses a method of using a broadcast or group address in the header (header) of the transmittal protocol and attaching an individual address (routing information) to each data packet (associated with data packet) in the data field (col 3 line 65).

Re claim 3, Ilas et al. discloses a method of arranging the individual addresses (routing information) in the header (header) of the transmittal protocol (Col3 Lines 65-66).

Re claim 4, Ilas et al. discloses a method that the transmittal protocol is a MAC protocol (Col 2 line 25 RLC/MAC).

Re claim 6, Ilas et al. discloses a method that the data packets comprises speech packets (Col 2 line 21).

Re claim 14, Ilas et al. discloses that the local area network is wireless (Col 2 line 31).

Re claim 17, Ilas et al. discloses a method of receiving data packets transmitted, identifying the address (Routing information) of the header of the transmittal protocol packet, and if correct, collecting at least one of the data packets (Receipt of packets to be acknowledged) in the data field of the transmittal protocol packet (Col 3, line65 - col 4, line 6).

Re claim 18, Ilas et al. discloses a Computer program product comprising computer code means and/or software code portions for making a computer or processor perform the steps of claim 1 (Col 2 lines 21-35 and Col 3, line65 - col 4, line 6).

Re claim 19, Ilas et al. discloses a method for transmitting (transmitting) data packets (speech data) over a communications network (wireless network), utilizing transmittal protocol packets comprising a header(RLC/MAC block), which in turn comprises an address field(RLC/MAC block), and a data field (RLC/MAC block), characterized in collecting and inserting several data packets from several users active on the communications network (at least two users) into the data field (RLC/MAC block) of a transmittal protocol packet, and transmitting the transmittal (transmitting) protocol packet, wherein each inserted data packet is associated an individual address (Col 2 lines 21-35).

Re claim 20, Ilas et al. discloses a method of using a broadcast or group address in the header (header) of the transmittal protocol and attaching an individual address (routing information)to each data packet(associated with data packet) in the data field (col 3 line 65).

Re claim 21, Ilas et al. discloses a method of arranging the individual addresses(routing information) in the header(header)of the transmittal protocol (Col3 Lines 65-66).

Re claim 22, Ilas et al. discloses a method that the transmittal protocol is a MAC (RLC/MAC) protocol and that the data packets comprises speech packets (Col 1, lines \21-25).

Re claim 26, Ilas et al. discloses a method of receiving data packets transmitted, identifying the address (Routing information) of the header of the transmittal protocol packet, and if correct, collecting at least one of the data packets (Receipt of packets to be acknowledged) in the data field of the transmittal protocol packet (Col 3, line65 - col 4, line 6).

Re claim 27, Ilas et al. discloses a method of utilizing transmittal protocol packets comprising a header (RLC/MAC block), which in turn comprises an address field (RLC/MAC block), and a data field (RLC/MAC block), comprising means for collecting and inserting several data packets from several users active on the communications network (at least two users) into the data field of a transmittal protocol packet, means for transmitting (transmitting) the transmittal protocol packet, means for associating an inserted data packet with an individual address (Routing information), means for

receiving the transmittal protocol packet (RLC/MAC block), means for identifying the address (Routing information) of the header of the transmittal protocol packet, and if correct, means for collecting at least one of the data packets (Receipt of packets to be acknowledged) in the data field of the transmittal protocol packet (Col 2 lines 21-35 and Col 3, line65 - col 4, line 6).

Re claim 28, Ilas et al. discloses that the local area network is wireless (Col2 line 31).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 5, 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Kermani et al.(5,661,727)

Re claim 5, Ilas et al. discloses the claimed invention as set forth in claim 4 above. Ilas et al does not disclose a method in that the MAC protocol is a Carrier Sense Multiple Access protocol. However Kermani et al. teaches a method in that the MAC protocol is a Carrier Sense Multiple Access protocol (Col 2 lines 42-44). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the Carrier Sense Multiple Access Protocol of Kermani et al. with the MAC protocol of Ilas et al in order to avoid collisions when transmitting.

Re claim 23, Ilas et al. discloses the claimed invention as set forth in claim 22 above. Ilas et al does not disclose a method in that the MAC protocol is a Carrier Sense Multiple Access protocol. However Kermani et al. teaches a method in that the MAC protocol is a Carrier Sense Multiple Access protocol (Col 2 lines 42-44). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the Carrier Sense Multiple Access Protocol of Kermani et al. with the MAC protocol of Ilas et al in order to avoid collisions when transmitting.

9. Claim 7-9, 11, 12, 24, 25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Hofmann et al. (US 6,757,796).

Re claim 7, Ilas et al discloses the claimed invention as set forth in claim 1 above. Ilas et al does not disclose a method of storing a number of data packets before insertion into the data field. However Hoffmann et al. teaches a method of storing (store) a number of data packets before insertion into the data field (Col 6 lines 17-24). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the storing of data packets method of Hofmann et al. with the speech

transmission method of Ilas et al. in order to better support the broadcast of data over network systems.

Re claim 8, Note that Hofmann et al discloses a method of storing data packets collected within a defined time interval (Col6 lines 17-24).

Re claim 9, Note that Hofmann et al discloses a method of storing a defined number of data packets (Col6 lines 17-24).

Re claim 11, Note that Ilas et al discloses a method of storing data packets (data packets) from several active users (at least two users) in individual buffers connected to individual inputs of a time multiplex unit (TDMA frame)(Col2 lines 21-28).

Re claim 12, Note that Ilas et al. discloses a method of storing data packets from a defined number of active users (Col 2 lines 21-28).

Re claim 24, Ilas et al discloses the claimed invention as set forth in claim 19 above. Ilas et al does not disclose a method of storing a number of data packets before insertion into the data field. However Hoffmann et al. teaches a method of storing (store) a number of data packets before insertion into the data field (Col 6 lines 17-24). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the storing of data packets method of Hofmann et al. with the speech transmission method of Ilas et al. in order to better support the broadcast of data over network systems.

Re claim 25, Note that Ilas et al discloses a method of storing data packets (data packets) from several active users (at least two users) in individual buffers connected to individual inputs of a time multiplex unit (TDMA frame)(Col2 lines 21-28).

Re claim 29, Note that Ilas et al. discloses a method that the collection is performed in an access point (base station) (Col 5, lines 12-15).

10. Claim 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Hofmann et al. (US 6,757,796), as set forth in claim 7 above, and in further view of Guha et al (5,699,369).

Re claim 10, Ilas et al. in view of Hofmann et al. discloses the claimed invention as set from in claim 7 above. Ilas et al. in view of Hofmann et al does not disclose a method of storing data packets filling up a defined data field size. However Guha et al discloses a method of storing data packets filling up a defined data field size (Col 1 lines 50 -53). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the fixed length data field of Guha et al with the storage unit of Ilas et al in view of Hofmann et al in order to better support the broadcast of data over network systems.

Re claim 15, Note that Ilas et al. discloses a method that the collection is performed in an access point (base station) (Col 5, lines 12-15).

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Hofmann et al. (US 6,757,796), as set forth in claim 8 above, and in further view of Rudd et al (US 2003/0134661).

Re claim 13, Ilas et al. in view of Hofmann et al. discloses the claimed invention as set from in claim 8 above. Ilas et al. in view of Hofmann et al does not disclose a method of forwarding multiplexed data packets to a packetizing unit for insertion into the data field. However Rudd et al discloses a method of forwarding multiplexed data

packets to a packetizing unit for insertion into the data field (Para 19, lines 17-23). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the packetizing unit of Rudd et al with the storage unit of Ilas et al in view of Hofmann et al in order to better support the broadcast of data over network systems.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Lewen et al. (5,341,374).

Re claim 16, Ilas et al discloses the claimed invention as set forth in claim 1 above. Ilas et al does not disclose a method that the transmittal protocol containing data packets from several users is given transmission priority. However Lewen et al discloses a method that the transmittal protocol containing data packets from several users is given transmission priority (Col 11, lines 31-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the prioritizing method of Leven et al. with the transmitting of data packets of Ilas et al in order to transmit speech packets over the network with minimum delay.

Conclusion.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY P. CATTUNGAL whose telephone number is (571)270-7525. The examiner can normally be reached on Monday- Friday 7:30 - 5:00, Alternating Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinhee Lee can be reached on 571-292-1977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P. C./ /Jinhee J Lee/
Examiner, Art Unit 4173 Supervisory Patent Examiner, Art Unit 4173